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Peter Force Esq

PETITION

OF

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THOMAS GEORGE CLINTON,

ASSISTANT EXAMINER IN THE PATENT OFFICE,

PREFERRING CHARGES AGAINST E. BURKE, COMMISSIONER OF PATENTS.

*Filed, and referred to the Committee on Patents of the House of Representatives,
July, 1848.*

*To the Senate and House of Representatives
of the United States in Congress assembled :*

The petition of Thomas George Clinton, an Assistant Examiner in the Patent Office of the United States, prayeth : That inasmuch as certain charges preferred by him against E. Burke, Commissioner of Patents, to the Honorable Secretary of State, and herewith presented in copy in paper endorsed No. 1, have not, during their pendency, had the effect to stay the execution of the highest functions enjoyed by the Commissioner of Patents, that your honorable body examine into the specifications contained in the charges alluded to and endorsed No. 1, and also that you receive papers endorsed severally No. 2, No. 3, and No. 4, as containing matter germane thereto ; and further, that you take steps to ascertain whether further legislation is not necessary with regard to the patent fund, and the specific appropriations made therefrom for the agricultural statistics and other purposes, so that money cannot be drawn from the patent fund and expended, without due precautions and practicable guards against illegality and fraud in Patent Office expenditures.

THOS. GEORGE CLINTON,

JULY 1st, 1848.

Asst. Examiner of the Patent Office.

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No. 1.

To the Secretary of State of the United States :

The petition of Thomas G. Clinton, an Assistant Examiner in the Patent Office, prayeth : That the charges herein made by him against Edmund Burke, Commissioner of Patents, may be heard, examined, and put in the legal course for trial, conviction, and punishment :

1st. Approving and paying a bill or bills, not allowing it or them to be examined in the usual way ; this bill, or these bills being knowingly, wilfully, and fraudulently designed and constructed, so as to pass the accounting officers of the Treasury ; and which bill or bills is, or are presented, and purports or purport to be for services rendered, (say recording, making office

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copies, &c., &c.) such services, however, never having been rendered. (See E. G. Smith's bill, for April and May, 1848, and others in the Treasury Department. See Report 98,675, in Edmund Burke's account, ending March 31st, 1848.)

2d. Outraging and violating the trust reposed in him as the guardian over the rights of patentees, by selecting their most valuable inventions and transmitting them to Europe by A. Vattmare; by which act, these patentees are deprived of any emoluments they might derive from the possession of patents for the same, when taken out in Europe; the gift of them to, and the publication of them by A. Vattmare, rendering any application for patents for the same by the patentees or their assigns, obnoxious to European patent laws; thus, and thereby wresting from these patentees their private property.

3d. Paying the expenses of preparing the copies of these patents without any warrant of law.

4th. Procuring and expensively binding hundreds of copies of Patent Office reports for this same Vattmare, without any warrant of law.

5th. Paying for some duplicate models, and refusing to pay for other duplicate models without warrant of law; he having neglected to cause the Board of Commissioners, required by law of 1837, to be appointed for that purpose—thus usurping powers not granted by law.

6th. Granting, illegally and wilfully, patents which ought not to be granted, and refusing others which ought to be granted. For the first, see patent of Wm. Trappe, Jr., 1845; A. W. Whitney, 1847; L. B. Swan 1847; and others. For the latter, see Sargent's application for letters patents for improvements in carding wool; U. A. Boyden's cases; Edwin Jenney's case, and others.

7th. Giving improper information to Amos Kendall about pending applications and caveats; thus violating the confidential character of the Patent Office; and furthermore, threatening to dismiss the chief clerk for this act of his own.

8th. Ordering the Examiner, against his matured conviction, to defend the refusal of letters patent to Jesse Leavins, in case he should appeal. (A patent afterwards being granted.) The Commissioner's conduct in this case being tantamount to ordering the Examiner to violate his oath.

9th. Inordinately hurrying and forcing the patent granted to C. J. Woolson for hanging carriage bodies, through the office, so that to this day there is no model of the invention as claimed in that patent, ever furnished the office by Mr. Woolson. See, also, as a sample of driving a patent through the office, Caldwell's patent for planing machine.

10th. Refusing "office copies" of certain patents to U. A. Boyden; the money for the same being legally tendered to him; and, also, refusing to act on Boyden's applications.

11th. Purchasing books (some of a kind not contemplated by, nor germane to the intent of the law of 1836,) for the Patent Office library, without buying the same under the direction of the committee of Congress on the library of Congress; thus usurping powers not warranted by law.

12. Asserting the existence of rules which he never promulgated; say the rule reported to exist and enforced in E. Jenney's case.—(See letter to the President on the same.)

13th. Violating the spirit and tradition of the law of 1839, (in which Assistant Examiners were authorized for the express purpose of creating a school, in which men fit for the Examiner's chair might be initiated into the duties, and official and confidential archives of the office) by nominating men not so brought up, to the desk of Examiner; thus destroying the contemplated system under the law, by which the office would always be in possession of men competent to the duties of an Examiner; and doing this to satisfy vindictive feelings against the present examining corps.

14th. Holding some clerks (under an alledged rule) to strict limits in salary, and correct performance of clerical duties, while at the same time, he allows similar clerks to draw far more than the limits above alluded to, (the limit being \$100 per month,) and directly countenances incorrect, patched, and interlined copying to be performed by other temporary clerks. (See records of specifications and assignments, &c., &c. See monthly accounts of temporary clerks.)

15th. Refusing to pay temporary clerks for services rendered during the month of March last, when the Commissioner ordered extra hours; and compelled the temporary clerks to work during extra hours, except E. G. Smith.—(See Johns' bill.)

16th. Furnishing the statements contained in an anonymous letter published over the signature of "Fiat Justitia," in the Scientific American of May 27th, 1846, which statements are, in part, false and slanderous.

17th. General neglect of the business of the office, and appropriation of the business hours to political and personal writing when at the office, and employing his subordinates during office hours, on his own personal or private affairs, to the detriment of the public service.

18th. General absence from the office during office hours; coming late and going early; also, unwarrantable extravagance in furnishing his own room, while subordinates are refused the necessities for their official duties.

19th. Giving orders so loose and contradictory, that the officers never know from day to day whether they are not violating some one of them or not, as none of them are to this day on any permanent record, except such as are in the circular of the office—those orders being exceptionable.

20th. Exercising, generally, a tyrannical deportment and insolent bearing towards his subordinates in office; subjecting them to his oaths, ill-temper and caprice, and threatening to turn them out on false and insulting charges.

21st. Prostituting the office to purposes of personal aggrandizement, by employing editors and letter writers, giving them all license in hours, (so that one can report congressional news for his paper,) and in performance of clerical duties, permitting them to take papers out of the office, to publish newspaper puffs personal to himself, and then, in the above way, rewarding them. The whole of these twenty-one charges being tantamount in their specifications to charges of fraud, bribery, corruption, embezzlement, felony, and malfeasance in office by the said Commissioner of Patents, Edmund Burke.

Your petitioner further prays, that these charges may be made the groundwork of a thorough examination into the affairs of the Patent Office as at present administered.

Your petitioner is aware, that he is doing a bold deed; but he trusts in the patriotism of the Secretary of State and the justness of his cause. He

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feels that he is doing a great service to his country, and risks everything to do so.

He deems his petition proper and respectful to you, and expects to be protected in his place as an Assistant Examiner of Patents, notwithstanding this act. His testimony and evidence are beyond cavil, and to keep it so, he prays the Secretary of State of the United States to take instant measures, that the *personel* of the Patent Office be not tampered with, and the records and papers of the same be not destroyed, altered, or withdrawn.

Very respectfully,

THOS. G. CLINTON,

JUNE 15, 1848.

Asst. Examiner of the Patent Office.

Handed to the Secretary of State, June 21st, 1838.

No. 2.

WASHINGTON, June 19th, 1848.

To the Hon. Secretary of State :

SIR: Permit me to approach you on the subject of the offices recently authorized by Congress in the scientific corps of the Patent Office. I am and have been an Assistant Examiner for nearly three years. When I came into the Patent Office, I expected to be promoted in course of time (under a vacancy or the increase of the corps) to the place of Examiner. I did expect this, because the spirit and tradition of the law of 1839, and the nature of the duties to be performed at the desk of an Examiner warranted such a conclusion. I came into the office on trial, as I understood, with a view both to my capacity then for an assistant, and my promise for an Examiner at some future day.

By the appointment of a Mr. Renwick to one of the desks of an Examiner recently authorized, I am passed by, and of course I am to conclude, that the system proposed and legalized by the law of '39 is set aside, and that the desk of Assistant Examiner is no longer to be filled by any man whose aspirations thence are to be directed, as a matter of course, to the higher desk. Hence it must be obvious, that the Assistant Examiner's desk will, for the future, be the school in which the Patent Agent will be brought up. Persons will seek the Assistant Examiner's desk with that view, and will leave it as soon as they think they can compete with intelligent and qualified agents. The attraction to do this will be found in the greater pecuniary emoluments to be derived from the business appertaining to a patent agency, and in the lowered character of the Assistant's desk.

Sir, I feel that you can appreciate the emotions of a man writhing beneath intellectual degradation. I appeal to you, and request you to ascertain whether I am not most competent and best prepared to take charge of an Examiner's desk, and whether the position thus assigned Assistant Examiners is the one contemplated by law, or dictated by sound policy. Trusting to your sense of duty to the inventing public, and requesting an interview on Wednesday, at your usual hour for visitors,

I am, very respectfully, your subordinate in office,

THOS. G. CLINTON.

No. 3.

UNITED STATES PATENT OFFICE, *June 26, 1848.*

SIR: You are hereby suspended from further duty in this office, and will forthwith vacate your seat and leave the office until you are again required to resume your place.

I am, respectfully,

EDMUND BURKE.

Mr. THOS. G. CLINTON.

 No. 4.
WASHINGTON, *June 26, 1848.**To His Excellency, James K. Polk,**President of the United States :*

SIR: Permit me to approach you on the subject of the enclosed letter which I this day received. It is a suspension from the performance of the duties of my desk as an Assistant Examiner in the Patent Office, and I presume, is a step taken by the Commissioner of Patents, in consequence of the charges presented by me against him to the Secretary of State. Sir, I trust that you will not countenance in Mr. Burke the exercise of a power similar to that you refused to tolerate in Gen. Scott, when Gen. Worth preferred charges against him. Upon your action, then, I ground my hope, that you will order me to be restored to my desk, and no action taken against me until the charges I have made, have been thoroughly investigated; a copy of these charges I have the honor to enclose. Having referred Mr. Burke's letter to the Hon. Secretary of State, it has been returned to me as containing matter not germane to his control. I now present it for consideration to your Excellency, and ask your earliest action thereon. The Hon. Secretary of State having sent a copy of my charges against the Commissioner of Patents to him for investigation, I do not deem it respectful to the Honorable Secretary of State, for me to do more than furnish you with a copy of the charges as explanatory of the Commissioner's letter of this date to me.

I have the honor to be, most respectfully, your subordinate,

THOS. GEORGE CLINTON.

APPENDIX.

WASHINGTON, July 6th, 1848.

To His Excellency James K. Polk,

President of the United States :

SIR: I approach you for the purpose of ascertaining your action upon the appeal I made to you on last Monday week in the matter of the letter of the Commissioner of Patents, suspending me from duty. You will excuse, sir, the anxiety I feel, when you think for a moment of the position I am thus placed in by that order, especially as I have not done anything to merit such treatment.

Since I had the honor of seeing your Excellency, circumstances have forced me to throw the criminal portion of the charges presented by me to the Honorable Secretary of State, (who told me he had no power in the premises,) before the Grand Jury of this District, and all of them before the House of Representatives; from all of which irksome responsibility, I determined to relieve your Excellency.

I have the honor to be, very respectfully, your subordinate,

THOMAS G. CLINTON.

WASHINGTON, July 8, 1848.

To the Hon. James K. Polk,

President of the United States :

I desire to countervail any statements to the effect that the Grand Jury have "triumphantly acquitted" Mr. Burke of my charges. I have reason to believe the case is not dismissed. Not having it in my power improperly to command information, I can only say, that as far as I can judge from queries put to me, it is not the facts, but the laws, that do not seem to reach the case. That the subtreasury or other laws may not do so, is Mr. Burke's luck, and not my fault. To end this matter, sir, please let the accused and the accuser meet face to face before some competent and public Board of Examiners authorized by you to investigate these charges through all their bearings. The Honorable Secretary of State, although, (as I learned from Mr. J. Knox Walker,) authorized by you to investigate these charges, has to this day left me without letter or line from him upon the subject. My movements elsewhere were the consequence, and were so shaped (much to my detriment) as not to interfere with Executive action. I now formally ask your Excellency to take cognizance of these charges, and bring them before some tribunal for investigation.

I have the honor to be, very respectfully, your subordinate,

THOS. G. CLINTON,

WASHINGTON, July 11, 1848.

To the President of the United States :

SIR : I have the honor to inform you, that in the matter of the charges preferred by me against Mr. Burke to the Grand Jury, I was before them a considerable time yesterday, and without being discharged was ordered to be at hand to-day.

I have reason to believe, sir, (and I might use a stronger term,) that the Grand Jury are perfectly satisfied the spirit and intent of the sub-treasury law has been violated; but that, as the law is either too specific or too little so, they prefer not to present Mr. Burke. Were the law plainer, or did it not say so distinctly, that the officer must "convert to *his own* use," or use "by way of investment, loan, &c," nothing would stand between Mr. Burke and an indictment. The Grand Jury may present him, but I think they will not. And there are minor reasons besides for not doing so. The Executive and Congress can more fully investigate *the whole* of the charges; the Grand Jury is of a different political complexion from Mr. Burke, and the language of the law is too specific for them to feel certain that Mr. Burke could not slip through its loop-holes, when it would be said they presented him because they disliked his politics. I fully agree with the Grand Jury in the impression I conclude they have taken. The House Committee on Patents meets to-day, for the first time since the presentation of my petition.

Sir: Permit me to say, that all my movements are the suggestions of self preservation, and not any distrust of you.

I have the honor to be your subordinate,

THOS. G. CLINTON.

WASHINGTON, July 11, 1848.

SIR: By direction of the President, the undersigned have been appointed Commissioners to investigate and report upon the charges preferred by you, under date of June 15th, 1848, against Edmund Burke, Commissioner of Patents. We have been furnished with your charges, and his denial of them. It is due to you and Mr. Burke, that these charges be promptly and thoroughly investigated; and, therefore, at the expense of considerable personal inconvenience, we propose to hear these without delay. We therefore appoint to-morrow at 4 o'clock, P. M., as the time, and the Solicitor's office as the place, of hearing. We propose to attend at that hour and place each day for that purpose, until the testimony is closed. A copy of this letter will be furnished to Mr. Burke, and he invited to attend and make defence.

Respectfully,

Your obedient servants,

ALBION K. PARRIS,

R. H. GILLET,

Commissioners.

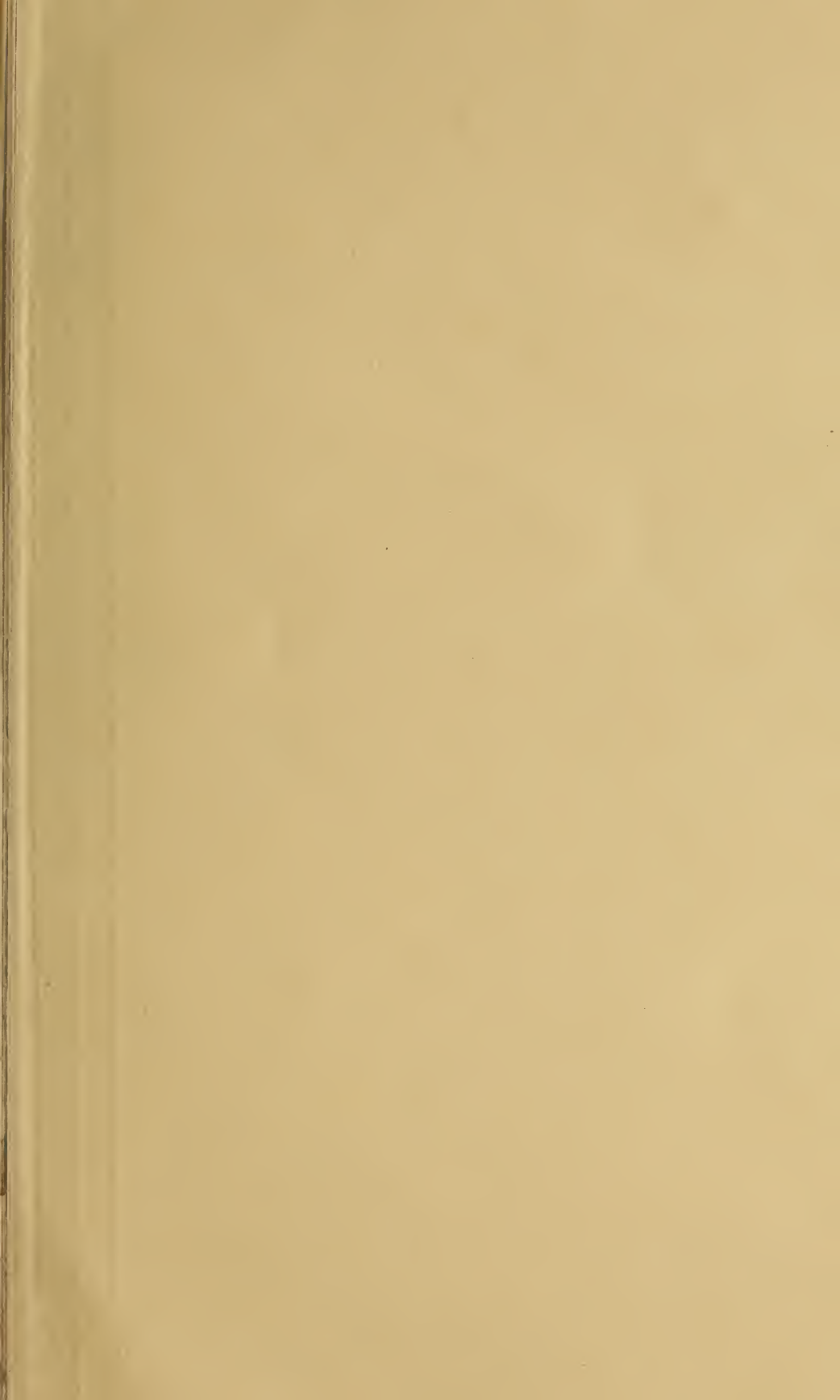
Mr. THOMAS G. CLINTON,

Assistant Examiner in the Patent Office.

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